



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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August 19, 2013

Office of Environment, MAR-410
Department of Transportation
Maritime Administration
Southeast Federal Center, West Bldg
1200 New Jersey Ave SE
Washington, DC 20590

Attention: Kris Gilson, REM, CHMM

Subject: EPA Comments on the Adoption of the Final Environmental Impact Statement (FEIS) for the Proposed Choctaw Point Container Terminal (CPCT), Construction and Operation of a Container Handling Facility by the Alabama State Port Authority (ASPA) in Mobile, Alabama. CEQ #:20130122.

Dear Ms Gilson:

Pursuant to Section 309 of the Clean Air Act (CAA) and Section 102(2)(C) of the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) reviewed the Final Environmental Impact Statement (FEIS) for the Proposed Choctaw Point Container Terminal (CPCT), Construction and Operation of a Container Handling Facility by the Alabama State Port Authority (ASPA) in Mobile, Alabama. The FEIS evaluates the consequence of constructing and operating a container-handling facility, the Garrows Bend Intermodal Container Transfer Facility, and a warehouse complex on a 370-acres parcel in the Choctaw Point area. This letter is intended to provide EPA's comments on the Garrows Bend Intermodal Facility component of the proposed project.

EPA notes that the FEIS proposed for adoption is approximately 9 years old. During the previous FEIS review process, the Maritime Administration (MURAD) was not a cooperating agency and therefore, recirculation to the public was required. EPA anticipated that given the age of the FEIS proposed for adoption, a revaluation of the information specific to the Intermodal Container Transfer Facility would have been updated to ensure that the affected environment, environmental consequences, legal mandates, or NEPA cross-cutter information was appropriately updated, where relevant. EPA also notes that the Maritime Administration included a signed Record of FEIS adoption dated April 4, 2013, prior to public review of the document.

According to MURAD, the Garrows Bend Intermodal Rail Option will be funded under the Transportation Investment Generating Economic Recovery (TIGER) Grant Program. EPA understands that the Intermodal facility includes a rail yard for Choctaw Point that provides access to five Class I railroads – CSX that will transport containerized cargo across the nation. The proposed rail yard is part of the supporting infrastructure which lies adjacent to the wharf complex. MURAD indicates that projected rail volumes will increase rail movement of container traffic by approximately 25 percent.

Based on the review of the FEIS, most of the wetlands and associated shallow water habitat losses occur within the footprint of the supporting elements of the project. The supporting infrastructure impacts approximately 24 acres of wetland, 18 acres of shallow-water bottoms (less than 6.6 feet deep) and 118.3 acres of upland Habitat. In the FEIS, property for the supporting elements of the project had not been definitively determined. EPA questioned the proposed configuration of the rail yard in our previous comment letter to the U.S. Army Corps of Engineers. Specifically, we questioned whether a less environmentally damaging configuration could be developed that achieved the basic project purpose and need with reasonable profitability. We also noted that underutilized parcels were available for future facilities within the immediate Mobile area that were not water dependent (Figure 3-7). The FEIS does not provide details as to how and to what degree measures were incorporated to avoid and minimize impacts to jurisdictional waters (i.e., it is unclear whether the rail yard configuration was redesigned to reduce the aquatic resource impacts).

EPA understands that a 57-acre mitigation plan was developed that involved converting uplands to tidal fringe marsh. It appears that the Alabama State Port Authority obtained 40.98-acres of land from the Mobile Airport Authority located on Arlington Cove, adjacent to the Choctaw Point Complex. Approximately 25 acres of tidal fringe marsh on Arlington Cove was constructed to compensate for the loss of wetlands, as well as 17.4 acres of tidal fringe marsh along North Garrows Bend and 14.5 acres of tidal fringe marsh at the southern end of McDuffie Island. In addition, a public park with waterfront access to Mobile Bay Arlington Cove parcel was developed at Arlington Park.

EPA appreciates the opportunity to review the proposed FEIS. If you have any questions regarding our comments, please contact Ntale Kajumba (404/562-9620) of my staff.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Mueller", with a stylized flourish at the end.

Heinz J. Mueller, Chief
NEPA Program Office
Office of Environmental Accountability